

1 Ekwan E. Rhow - State Bar No. 174604

*erhow@birdmarella.com*

2 Thomas R. Freeman - State Bar No. 135392

*tfreeman@birdmarella.com*

3 Marc E. Masters - State Bar No. 208375

*mmasters@birdmarella.com*

4 BIRD, MARELLA, BOXER, WOLPERT, NESSIM,

5 DROOKS, LINCENBERG & RHOW, P.C.

1875 Century Park East, 23rd Floor

6 Los Angeles, California 90067-2561

7 Telephone: (310) 201-2100

Facsimile: (310) 201-2110

8 Marc L. Godino - State Bar No. 182689

9 Jonathan M. Rotter - State Bar No. 234137

Pavithra Rajesh - State Bar No. 323055

10 GLANCY PRONGAY & MURRAY LLP

1925 Century Park East, Suite 2100

11 Los Angeles, California 90067-2561

12 Telephone: (310) 201-9150

Facsimile: (310) 201-9160

13 Email: [info@glancylaw.com](mailto:info@glancylaw.com)

14 *Attorneys for Plaintiff Misty Hong*

15  
16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

18  
19 MISTY HONG, individually and on  
behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22 BYTEDANCE, INC., a corporation,  
23 TIKTOK, INC., a corporation;  
24 BEIJING BYTEDANCE  
TECHNOLOGY CO. LTD., a  
privately-held company; and  
25 MUSICAL.LY, a corporation.

26 Defendants.

CASE NO. 5:19-cv-07792-LHK

**UNOPPOSED MOTION FOR ENTRY OF  
PROTECTIVE ORDER**

Plaintiff Misty Hong hereby moves, unopposed, for the entry of the protective order attached hereto as Exhibit 1. A redline of the proposed protective order against the Court's Model Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or trade secrets is attached hereto as Exhibit 2.

Defendants do not oppose the entry of the protective order, and have authorized Plaintiff to include the following language concerning Defendants' position:

Defendants have represented that they do not oppose the entry of this protective order, but out of an abundance of caution to avoid any waiver of their arbitration and personal jurisdiction arguments, they are unable to stipulate to its entry at this time. *See Martin v. Yasuda*, 829 F. 3d 1118, 1126 (9th Cir. 2016) (defendant waived right to arbitration by "entering into a protective order, answering discovery," and other "conduct inconsistent with their right to arbitrate").

DATED: April 17, 2020

Bird, Marella, Boxer, Wolpert, Nessim,  
Drooks, Lincenberg & Rhow, P.C.

By: /s/ Marc E. Masters

Marc E. Masters

*Attorneys for Plaintiff Misty Hong*

DATED: April 17, 2020

Glancy Prongay & Murray LLP

By: /s/ Jonathan M. Rotter

Jonathan M. Rotter

*Attorneys for Plaintiff Misty Hong*

# **ATTESTATION**

I, Jonathan M. Rotter, am the ECF user whose identification and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that each of the Signatories herein concur in this filing.

DATED: April 17, 2020

/s/ Jonathan M. Rotter

Jonathan M. Rotter

**CERTIFICATE OF SERVICE**

I, the undersigned say:

I am not a party to the above case and am over eighteen years old. On April 17, 2020, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Northern District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 17, 2020, at Los Angeles, California.

s/ Jonathan M. Rotter

Jonathan M. Rotter